IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (Lodging No. 315)of 2003 (S/B)

Dr, U.C. Srivastava,
S/o Late Shri Gopal Chand Srivastava,
R/o S.D. 71, Shastri Nagar,
Ghaziabad …… Petitioner

Versus

State of Uttaranchal,
Through its Secretary,
Medical Health & Family Welfare,
Dehradun & others …….. Respondents

Mr. V.K. Bist, Advocate, for the petitioner.
Mr. N.B.Tiwari Chief Standing Counsel for the respondents.

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal, J.

Date: 25.11.2003

PC:

In September, 2000, the petitioner opted for the U.P. Cadre of Medical Officers. Thereafter, in May, 2001, without being called upon, the petitioner opted for the State of Uttaranchal. The petitioner retired as Chief Medical Officer, Haridwar on November, 30, 2001. On 27th November, 2001, the age of retirement was increased by U.P. Government from 58 years to 60 years. On 15th June, 2002, State of Uttaranchal increased the age of retirement from 58 to 60 years. Petitioner not claims that his age of superannuation should be extended from 58 to 60 years on two grounds. Firstly, he has opted for the State of U.P. Secondly, on the ground that the State of Uttaranchal has also increased the age of retirement upto 60 years on 15th of June, 2002.

We do not find any merit in this writ petition. Petitioner retired from State of Uttaranchal as the Chief Medical Officer,

Haridwar on November 30, 2001. On that date, the age of superannuation was 58 years. The age was increased by this Government only on 15th of June, 2002. Therefore, no relief can be sought by the petitioner against the Government of Uttaranchal. We do not wish to opine on the rights of the petitioner vis-à-vis State of U.P. in this writ petition.

Before concluding, we may point out one more allegation made by the petitioner. Petitioner alleged discrimination by the Government of Uttaranchal on the ground that another employee – Dr.R. K. Tandon, allegedly situated in similar position, has been given extension in the age of retirement from 58 years to 60 years. We do not know all the facts of that case. But, even assuming for the sake of argument that Dr. Tandon has been given extension in the age of retirement, if there is a wrong done by the Government, as alleged, it would not given any right to the petitioner, much less to this Court, to perpetuate the wrong. Our observations should not mean that Dr. Tandon has been given extension wrongly. We have only mentioned the principle of law in the context of argument advanced by the learned counsel for the petitioner.

Subject to above, writ petition is rejected.

(M.M. Ghildiyal, J.) **(S.H. Kapadia, C.J.)**

AK: